

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q80934

Motoaki KAMACHI, et al.

Appl. No.: 10/594,839

Group Art Unit: 1623

Confirmation No.: 3708

Examiner: GOON, SCARLETT Y

Filed: September 28, 2006

For: EXTERNAL PREPARATION FOR SKIN

DECLARATION UNDER 37 C.F.R. § 1.132

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Motoaki Kamachi, hereby declare and state:

THAT I am a citizen of Japan;

THAT I have received the degree of MS in 1989 from the University of Tokyo in Tokyo, Japan;

THAT I have been employed by SHOWA DENKO K.K. since April 1, 1989, where I hold a position as Manager, with responsibility for new products;

THAT I am one of the inventors of the subject matter described and claimed in the above-identified application, and that I am familiar with the Office Action dated May 19, 2010, which includes a rejection of the present invention under 35 U.S.C. § 103(a) as unpatentable over "Kakuchi" (JP 2003-252904) in view of "Roulier" (U.S. Patent 5,900,241), as well as the Advisory Action dated October 14, 2010.

I present the experimental data below to prove that amylopectin of Roulier cannot be substituted with multi-branched polysaccharides of Kakuchi in an external preparation for skin being a liquid or lotion as taught by the present invention.

Amylopectin and multi-branched polysaccharides used in the present invention were added to water at 25°C, followed by sufficient stirring, so as to have a concentration of 10 mass% respectively. The results are shown in the attached photograph. While multi-branched polysaccharides were completely dissolved in water and resulted in a low viscosity aqueous solution, amylopectin was hardly soluble in water. After the solutions were heated to 100°C and cooled to 25°C, the solution of multi-branched polysaccharides remained unchanged, but the amylopectin solution became an opaque paste-like solution (with high viscosity).

I provided comparative experimental data regarding locust bean gum, xanthan gum, sodium hyaluronate, carrageenan and guar gum in the previous Declaration. The comparison was able to be done since these substances are soluble in water. However, since amylopectin has different physical properties and is hardly soluble in water, no comparison could be done as a liquid material.

Accordingly, although Roulier states that amylopectin can be used, a skilled artisan would understand that amylopectin having such properties cannot be applied to liquid or semi-liquid aqueous make-up formulations, but rather may be used as a solid composition. Therefore, even if the multi-branched polysaccharides of Kakuchi were to be substituted for amylopectin disclosed by Roulier, the usage of the multi-branched polysaccharides would be limited to a solid

DECLARATION UNDER 37 C.F.R. § 1.132
U.S. Application No.: 10/594,839

Attorney Docket No.: Q80934

composition, and a skilled artisan would not have applied the multi-branched polysaccharides to an external preparation for skin being a liquid or lotion as taught by the present invention.

I declare further that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: Feb 18, 2011

By: Motoaki Kamachi
Motoaki Kamachi

-10% Solution in Water

1.

Multi- β -PS

25°C

2.

Amylopectin

25°C

3.

Multi- β -PS

100°C → 25°C

4.

Amylopectin

100°C → 25°C

